

BEFORE THE ZONING HEARING BOARD
OF
SCHUYLKILL COUNTY

RE: Request for a Use Variance by Applicants, Michael Stauffer and Jennifer Stauffer .

BEFORE: Daniel Daub, Scott Thomas, Eric Seitzinger, Dave Ambrose, Mary Jo Moss, Members of the Schuylkill County Zoning Hearing Board (the "Board").

MINUTES OF HEARING

Name of Applicant	.	.	.	.	Jennifer and Michael Stauffer 14 Park Street Schuylkill Haven, PA 17972
Location of Subject Property	.	.	.	.	14 Park Street Schuylkill Haven, PA 17972 UPI: 47-02-0007.001
Owner of Property	.	.	.	.	Jennifer and Michael Stauffer
Zoning Classification	.	.	.	.	R-2 Medium Density Residential
Date of Hearing.	.	.	.	.	January 8, 2015
Place of Hearing	.	.	.	.	Courtroom #5 Schuylkill County Courthouse Pottsville, PA
Appearances (for Board)	.	.	.	.	Shane H. Hobbs, Esq.
Appearances (Applicant)	.	.	.	.	None
Appearances (Schuylkill County Solicitor's Office)	.	.	.	.	Glenn T. Roth, Jr., Esq.
For Schuylkill County Planning & Zoning Office	Kyle Kehoe, Zoning Officer
Protestants	None

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FINDINGS OF FACT

After hearing all interested parties and consideration of the evidence presented, the Board finds as follows:

1. Jennifer and Michael Stauffer (“Applicants”), husband and wife, are the owners of the subject parcel and property (“Property”) situate 14 Park Street, Schuylkill Haven, Schuylkill County, Pennsylvania, UPI no.47-02-0007.001.
2. The Property is located in R-2 Medium Density Residential District under the Schuylkill County Zoning Ordinance (“Ordinance”).
3. The subject parcel measures approximately 95,832 square feet.
4. The Property contains a single family dwelling (“house”), a detached garage, two sheds, a pole building, and a modular home (“modular home”).
5. In 2013, Applicants were issued a permit (“permit”) by the Schuylkill County Planning and Zoning Office (“Zoning Office”) to construct an *addition* to their house, permit number 17537.
6. The Applicants then added a modular home to the Property that connected to the pre-existing house via a wooden deck bridge.
7. The Zoning Office notified the Applicants on October 15, 2014 that the modular home on the Property is considered a Second Residential Dwelling and not considered an “addition” under the issued permit. A true and correct copy of the Zoning Office’s October 15, 2014 letter is attached as an exhibit and part of the record.
8. Applicants applied for a hearing before the Schuylkill County Zoning Hearing Board (“Board”) requesting a Variance to Section 801.B.2 of the Schuylkill County Zoning

Ordinance (“Ordinance”), where Applicants desire to have a second residential dwelling on the property.

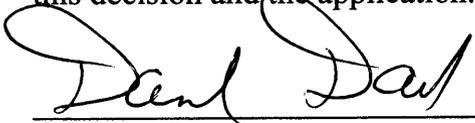
9. Public notice of the Hearing was given by advertisement in the Pottsville Republican Newspaper on December 7, 2014.
10. Notice of the Hearing was posted on the property on December 4, 2014.
11. Notice of the Hearing was given by mail to the primary last known owner of each lot that is abutting or immediately across the street from the property.
12. At the Hearing on January 8, 2015, Kyle Kehoe, the Zoning Officer for the Zoning Office, testified that the current existence of the modular home on the Property does not comply with the Applicants initial permit application nor does it comply with the Ordinance.
13. The Board found Mr. Kehoe’s testimony credible and it was determined that this request before the Board – Applicants request for a Variance - is the correct procedural avenue.
14. Michael Stauffer, co-applicant, testified that the purpose of the modular home is to provide living quarters for his elderly father, at a close distance in order for his family to tend to his father’s needs.
15. Applicants provided photographs of the Property all of which were accepted into evidence and made part of the record.
16. The Applicants testified that the current location of the modular home in context of the Property’s dimensions and characteristics is the least intrusive setup to enable reasonable use of the Property.
17. Specifically, Applicants testified that the modular home is as close to the house as reasonably feasible since the house has a chimney that could not be moved.
18. Applicants further testified that the proposed use does not alter the essential characteristics of the neighborhood, nor does the use present any negative impacts in regards to traffic.
19. No opposition appeared to contest the Applicants’ request.
20. The application, Zoning Board file, and all exhibits were accepted and made part of the record.

CONCLUSIONS OF LAW

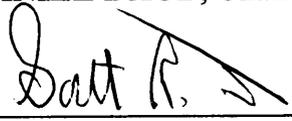
1. Section 801.B.2 of the Ordinance requires that a lot not have more than one principal use and not have more than one principle building.
2. The Board is empowered with exclusive jurisdiction to hear and render final adjudications in Variance requests pursuant to Section 111(D.) (3.) of the Ordinance.
3. The Board may grant a variance if the Applicant(s) satisfy the Standards and pertinent review criteria pursuant to Section 111(D.) (3.) (b.) of the Ordinance.
4. In granting a Variance, the Board may attach reasonable conditions and safeguards as it deems necessary and in furtherance of the Ordinance. Section 111(D.) (3.) (b.) (vi.).
5. The Board finds that the Applicants have satisfied the pertinent Variance criteria and approve their application, and hereby **grant a variance** with the following conditions:
 - A. This Variance shall **terminate automatically** when the modular home is no longer occupied by the parent(s) of Michael B. Stauffer or Jennifer M. Stauffer.
 - B. Upon termination of this Variance, the Property owner(s) must:
 - i. dismantle and remove the modular home
 - OR
 - ii. receive alternative relief through the Schuylkill County Planning and Zoning Office including, but not limited to, an approved subdivision.

DECISION

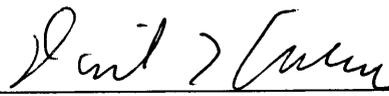
AND NOW, this 12th day of February, 2015, the Board **GRANTS** the Use Variance request by the Applicants and directs the Zoning Officer to approve a permit consistent with this decision and the application.



DANIEL DAUB, Chairman



SCOTT THOMAS, Vice Chairman



DAVE AMBROSE, Member



MARY JO MOSS, Member